

1 U.S. DISTRICT JUDGE RICHARD A. JONES
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TERESA FLEISCHMAN,)
11 Plaintiff,) CIVIL NO. 3:19-cv-05544-RAJ
12 vs.) ORDER
13 COMMISSIONER OF SOCIAL SECURITY,)
14 Defendant)

15 This matter comes before the Court on the parties' stipulated motion for attorney's fees
16 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412

17 The motion is timely as Plaintiff had a 60-day appeal period, plus the 30-day period in
18 §2412(d)(1)(B), from the entry of final judgment on February 3, 2020, to file a timely EAJA
19 application. *Akopyan v. Barnhart*, 296 F.3d 852 (9th Cir. 2002); *Melkonyan v. Sullivan*, 501 U.S.
20 89, 94-96 (1991); FED. R. App. P. 4(a). Furthermore, upon review of the stipulation and the
21 record, the Court determines that Plaintiff is the prevailing party, the government's position was
22 not substantially justified, and that the itemization of attorney time spent is reasonable. In short,
23 the requirements of § 2412(d)(1)(B) are met.

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25 ORDER FOR EAJA FEES - 1

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Having thoroughly considered the parties' briefing and the relevant record, the Court hereby GRANTS the motion and awards Plaintiff \$5,886.72 in attorney's fees, subject to any offset allowed under the Treasury Offset Program. *See. Astrue v. Ratiff*, 560 U.S. 586, 589 – 590 (2010). Payment of EAJA fees shall be sent to Plaintiff's attorney: David Oliver & Associates, 2608 South 48th Street, Suite C, Tacoma, WA 98409. Pursuant to *Ratiff*, award shall be payable to Plaintiff's attorneys, David Oliver & Associates, if the Commissioner confirms that Plaintiff owes no debt to the Government through the Federal Treasury Offset program.

For the foregoing reasons, Plaintiff's stipulated motion for attorney fees is GRANTED;

Dated this the 1st day of May, 2020.



The Honorable Richard A. Jones
United States District Judge